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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/919,672

07/31/2001

Roger Maria Stenbock

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21034

7590

12/05/2007

IPSOLON LLP  
111 SW COLUMBIA  
SUITE 710  
PORTLAND, OR 97201

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

12/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/919,672

Applicant(s)

STENBOCK ET AL.

Examiner

Tuan C. To

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007 and 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) 18-27, and 36-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Election/Restriction**

Applicant's election without traverse of claims 28-35 in the reply filed on 09/6/2007 is acknowledged. It should be noted that Group II includes claims 28-35 instead of 18-35 as indicative in the applicant's election.

### ***Specification***

The disclosure is objected to because of the following informalities: in the specification, page 22, line 9, figure 3A is included. However, in the drawing, there is no such the figure 3A.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The independent claim 28 recites software for merging flight navigation waypoints with a selected flight chart from among plural flight charts stored at a server computer to form a selected composite flight navigation chart. The examiner has found in the specification, a process consisting of a software system which computes the steps of overlaying routes and waypoints and other polygons (see specification, page 23, lines 8 and 9). However, there is no support for the limitation "software for merging flight navigation waypoints with a selected flight chart from among plural flight charts stored at a server computer to form a selected composite flight navigation chart". Also, there is no support for the limitation "software... providing a vector drawing extension for the browser, the vector drawing extension functioning to incorporate flight plan routing into the selected composite flight navigation chart to form a flight plan.

Claims 29-35 are rejected for the same reason because there is no support for the limitations as recited in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 28 is rejected under 35 U.S.C. 102 (b) as being anticipated by DeLorme et al. (US 5948040A).

DeLorme et al. discloses a Travel Reservation and Information System (TRIPS) using TRIPS software (column 7, lines 2-21) for merging flight navigation waypoints with a selected flight chart from among plural flight charts stored at a server computer to form a selected composite flight navigation chart (column 7, lines 22-35); The TRIPS software for providing the selected composite flight navigation chart over a computer network to a browser on a client computer (column 14, lines 66, and 67; column 15, lines 1-13; column 12, lines 17-35), and that the software incorporates flight routing into the selected composite flight navigation chart to form a flight plan.

DeLorme et al. merely fails to show that the TRIPS software "providing a vector drawing extension for the browser". This feature is inherently disclosed in DeLorme et al. because in order to provide flight navigation chart over a computer network to a browser on a client computer, the software should provide a vector drawing extension for the browser in order to retrieve the flight navigation chart (map) from the computer network.

### ***Response to Arguments***

Applicant's arguments filed 03/28/2006 have been fully considered but they are not persuasive.

The applicant argued that none of the cited references, alone or in combination, teaches or suggests the flight planning processes or software recited in the claims. The

applicant concluded that the new independent claim 28, and their dependent claims, are patentably distinct over the cited prior art.

After reconsidering the application, the examiner has first recognized the new independent claim 28 recite the limitations that do not describe in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The independent claim 28, and its dependent claims do not satisfy the 112, first paragraph. Thus, they are all rejected under 35 U.S.C 112, first paragraph.

The cited reference to DeLorme et al. identically discloses each and every limitations of at least claim 28. DeLorme et al. discloses a travel reservation information and planning system for user to construct a highly selective travel route that incorporate waypoints selected by the user and establish a computer links with computerized ticket and reservation system, communications, and software. The TRIPS software is provided for user to construct user travel planning using the electronic maps presented on the computer display that permits user selection of travel starting point, travel destination, and desired waypoints between the travel starting point and the destination. In DeLorme et al, the TRIPS user can download the travel information including navigation chart (map) and other related travel information from a travel service provider (see column 10, lines 19-33) to a client computer.

As discussed herein above, the travel user can download the travel information data, which includes map data, from a database of a travel service provider to a PC as a client computer. The TRIPS software illustrated entirely in DeLorme et al. for

downloading flight navigation chart (map) over a computer network to a browser on the client computer. It is fairly understandable that the desktop PC (column 13, lines 48-52; column 14, lines 43-52), a client computer, is provided with TRIPS software for providing such the travel information because the desktop PC has at least one computer communications connection or modem link (107) with one or more private or public computer networks such as the Internet.

Although, DeLorme et al. do not specifically point out the feature of "software for providing a vector drawing extension for the browser, the vector drawing extension functioning to incorporate flight plan routing into the selected composite flight navigation chart to form a flight plan", DeLorme et al. discloses the TRIPS software for incorporating flight plan routing (travel route) into the selected composite flight navigation chart (map data). In order to display a map on the TRIPS digital display (111) of the PC, the PC inherently includes a graphic programming for providing vector drawing extension as claimed.

For that reasons, the application would not be patentable over the cited prior art.

### ***Conclusions***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

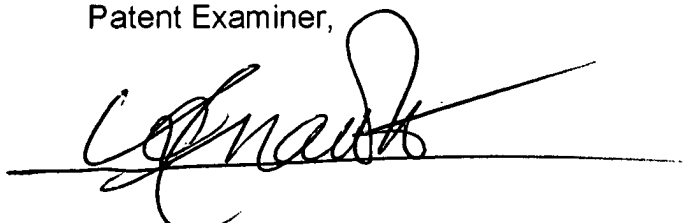
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line. The signature is stylized with a large loop at the end.

Tuan C To

November 26, 2007